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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,238	07/12/2000	Guy Stone	Dkt.#622	1849

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EXAMINER
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PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/614,238

Applicant(s)

STONE ET AL.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Amendment B, paper #7, received on 12/15/2003 has been entered into record. Claims 1-30 were present in the original filing of the application. Claims 21-30 were canceled in Pre-amendment A received on 7/17/2000. Claims 12-20 were amended in Amendment B, Paper #7, filed 12/15/2003.

1. Claims 1-20 remain pending.

### *Priority*

2. No priority claims have been made.

3. The effective filing date of the claimed invention is July 12, 2000.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al. (U.S. Patent Number 5,793,395), hereinafter referred to as Tang.

6. Regarding claim 1, Tang disclosed a method which allows users to chat with each other while displaying live webcam images of more than one selected user within a chatroom environment (Figure 5, Figure 10 sign 121, column 2 lines 29-41, Column 5 lines 29-32, column 9 lines 26-36).

7. Regarding claim 2, Tang disclosed a method in which the webcam images are displayed at the top of the page (Figure 5).

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8. Regarding claim 3, Tang disclosed a method in which the displayed webcam images have a uniform size (Figure 5).

9. Regarding claim 4, Tang disclosed a method in which the webcam images are automatically assigned a position on the chatroom screen (Figure 5).

10. Regarding claims 11-14, the system corresponds directly to the method of claims 1-4, and thus these claims are rejected using the same rationale.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5-6, 8-10, 15-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang (U.S. Patent Number 5,793,395) as applied above and further in view of the invention's background.

13. Regarding claim 5, Tang disclosed a method which allows users to chat with each other while displaying live webcam images of more than one selected user within a chatroom environment (Figure 5). Tang did not disclose the method in which chatroom users can select the webcam images they want to view while they are chatting.

14. Tang suggested exploration of art and/or provided a reason to modify the method to include a step where users can select the webcam images they want to view while they are chatting (column 2 lines 37-41, column 3 lines 41-46, column 8 lines 3-10).

15. The background of the instant invention disclosed a method to show video [image] of a particular chatter in which a chatroom users want to view (Background page 2 lines 23-24).

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Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to allow chatroom users to select the webcam images of the other chatters in order to have a more visual and more personal chatting experience.

16. Regarding claim 6, the background of the instant application disclosed a method in which each user is given a list of other online users from which they can select webcam images to view (Background page 2 lines 12-18, lines 23-24)

17. Regarding claim 8, Tang disclosed a method of in which each image is associated with an individual user (Figure 5).

18. Regarding claim 9, Tang disclosed a method in which users who do not have a webcam will have a symbolic logo appear in place of their image (Column 5 lines 32-37).

19. Regarding claim 10, the background of the instant application disclosed a method in which image of each chatter is updated at a predefined time interval (Background page 1 lines 27-33). The symbolic logo is the image of the chatter when live image of him/her is not available and therefore will be updated at a predefined time interval in the same fashion as his/her live image.

20. Regarding claims 15-16 and 18-20, the system corresponds directly to the method of claims 5-6 and 8-10, and thus these claims are rejected using the same rationale.

21. Since all the limitations of the claimed invention were disclosed by the combination of Tang and background of the invention, claims 5-6, 8-10, 15-16, and 18-20 are rejected.

22. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang as applied above and further in view of Ullman et al. (U.S. Patent Number 6,018,768).

23. Regarding claim 7, Tang disclosed a method which allows users to chat with each other while displaying live webcam images of more than one selected user within a chatroom

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environment (Figure 5). Tang did not disclose a method in which a list of URLs from each user's personal webcam is requested and organized. However, in analogous art, Ullman disclosed a method in which URLs from a video source [video stream, webcam stream, etc.] is requested, added to the list, and organized for viewing (Figure 3 signs 38, 54, Figure 7 sign 160).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a method to request and organize the URL from each chatter webcam image in order to enable chatters to view live image of other chatters. Requesting URLs or other video stream locators will allow live image of chatters to be located. Organizing URLs will help maintain a chatter profile and correctly associate a particular chatter with his/her image as disclosed by Tang (Figure 5).

24. Regarding claim 17, the system corresponds directly to the method of claim 7 and is rejected using the same rationale.

25. Since all the limitations of the claimed invention were disclosed by the combination of Tang and Ullman, claims 7 and 17 are rejected.

#### ***Response to Arguments***

26. Applicant's arguments, see page 9 paragraph 3, filed 12/15/2003, with respect to claim 7, have been fully considered and are persuasive. The 112 rejection of claim 7 has been withdrawn.

27. Applicant's arguments filed 12/15/03 regarding claims 1-20 (see pages 10-15) have been fully considered but they are not persuasive.

28. Regarding claims 1-4 and 11-14, Applicants argued, "Tang does not describe or disclose a "live webcam" or URL. Moreover, Tang does not use live video, only representation of chatter." The office contends that Tang disclosed live image capabilities in Figure 10 sign 121 (a video camera) and in Figure 11 sign 81 (video conferencing). Thus, the use of live image in Tang's chat room is inherent. Tang further disclosed a video-based system that used video

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cameras to periodically take snapshots (column 2 lines 38-40). For users with computers including video cameras, they may capture a video image of themselves (column 5 lines 29-32). In addition, Tang disclosed a chat room window that displayed the icon associated with each user who is presently in the chat room. If a user's computer supports video, their video is used as their icon in the chat room (column 9 lines 25-31).

29. Applicant also argued that "Tang focus only on the communications between workers in a closed working environment, thus obviate the need for obtaining the chatters' URL." The office contends that although the specific example disclosed by Tang involved communications between workers, Tang also disclosed that the example was illustrative and not restrictive (column 15 lines 22-25). Since Tang disclosed that users could connect to the network such as LAN, WAN, and the Internet (column 11 lines 37-40), it was implied that his invention could be used in the open World Wide Web.

30. Applicants further argued, "Tang's chatroom layout is different from Applicants' and each user can see the data input while he/she is typing in the Text Entry area." Tang disclosed, "chat rooms are known. Chat rooms are interactive discussion windows wherein a number of users on separate computers can communicate by text entry in the shared text window that is displayed on each of the user's computers (column 3 lines 20-35). Tang further disclosed a chat room where users can enter text at their keyboard and this text is displayed along with the worker's name in the text window (column 9 lines 34-37). Please refer to PTO-892 for references relating to chat rooms.

31. Regarding claims 5-6, 8-10, 15-16, and 18-20, Applicants maintained, "Tang does not describe or disclose a "live webcam" or URL". The response to this argument is explained in claims 1-4 and 11-14 (See paragraph 28). Applicants further argued, " there is no motivation to

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combine what is disclosed in Tang with the background of the invention.” The motivation for combining the two references is outlined in the above rejection (See paragraph 14).

32. Regarding claim 7 and 17, Applicants argued, “Ullman describes a method for capturing Television (TV) and video picture feeds through cable boxes. It discloses a combination of cable TV and Internet.” The office contends that Ullman disclosed a computer-based system receives a video source with embedded uniform locators (Abstract). Ullman disclosed a personal computer system connected to the Internet (Figure 1) with Netscape browser (Figure 7) that could be used for educational applications where instructors and students could interact during a live event (column 10 lines 32-49). Although Ullman did disclose a method for capturing Television (TV) and video picture feeds through cable boxes, Ullman also disclosed that this embodiment was an alternative (Abstract) to the personal computer system embodiment.

33. Applicants further argued, “Ullman does not disclose a chatroom or teach using a chatroom. Ullman does not support multiple end users either in-house or from the outside. The device disclosed in Ullman acts like a internet TV station in that it only distributes video feed to a computer server from which the feed can then be accessed by other workstation.” The office contends that Ullman did disclose a chat room for a distance learning system (column 11 lines 32-43) where students could converse/interact with one another and the instructor in the chat room (column 11 lines 14-23). Therefore, it was apparent that Ullman disclosed an interactive chat room and offered support for multiple end users. It should also be apparent to one of ordinary skill in the art at the time of invention was made that the system disclosed by Ullman was more than an internet TV station of unidirectional transfer or transmission of data. The interaction among users disclosed in Ullman’s educational system embodiment rendered bidirectional transfer of information obvious.



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34. Since Applicants' arguments have been fully considered but not persuasive, the Office traverses Applicants' arguments and the grounds of rejections regarding claims 1-20 are maintained.

***Conclusion***

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Manabe et al. (U.S. Patent Number 6,584,494) disclosed a chat system that has an icon area, the text window area, and the command area.
- b. Teng et al. (U.S. Patent Number 5,930,473) disclosed networked video presentation systems with live video image.
- c. Hogan et al. (U.S. Patent Number 5,872,922) disclosed a method and apparatus for video conferencing.
- d. Schindler (U.S. Patent Number 6,081,830) disclosed a computer chat room that had a chat area where each user can see the data input while typing in the text entry area.

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The chat room also had an area to display the list of current users, an area for video image, and an area for command icon.

e. Kakuta et al. (U.S. Patent Number 6,630,944) disclosed methods and services for chat room services.

37. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior arts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

tp  
February 16, 2004

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Art Unit 2142  
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